

**Town of Clarence
Planning and Zoning**

Memo

To: Town Board Members

From: James Callahan, Director of Community Development

cc: Town Attorney, Town Clerk, Town Engineer, Senior Code Enforcement Officer, Planning Board Members, Chamber of Commerce

Date: June 9, 2017

Re: June 14, 2017 Town Board Meeting Agenda

Following is a review/analysis of the items listed on the June 14, 2017 Town Board Agenda:

PUBLIC HEARINGS:

1. DAVIS TIBURZI, 6855 TRANSIT ROAD.

Location: East side of Transit Road, north of County Road.

Description/History: Existing vacant parcel located in the Swormville TND. The Planning Board has approved a concept plan for a mixed use project at this location.

Proposal: Applicant is seeking a Special Exception Use Permit for the multiple family housing component of the project and has submitted the approved site plan along with updated elevations of the buildings.

Comprehensive Plan: Area identified within the Swormville TND.

Reason for Town Board Action: Per the Zoning Law the Town Board has final approval authority for Special Exception Use Permits.

Issues: The Planning Board has forwarded a recommendation for the design with conditions, including site lighting to be shielded and dark sky compliant, turn-around on the east side of the project to be code compliant and acceptable to the Fire Chief, Subject to Landscape Committee approval prior to Development Plan and subject to Open space and Recreation Fees.

2. ANNUAL RENEWAL OF TEMPORARY CONDITIONAL PERMITS.

Attached is a list of TCP's up for renewal in 2017 identifying previous terms and conditions. The discussed terms for these items are 1 year renewals for the automotive storage uses and the Amish Villa outside display and 3 year renewals for the outside dining requests.

3. BRETT VOGEL, 8670 COUNTY ROAD.

Location: North side of County Road east of Green Acres Road.

Description/History: Existing renovated barn located in the Agriculture Rural Residential Zone.

Proposal: Applicant is proposing a farm stand/market.

Comprehensive Plan: Area identified in an agricultural zone.

Reason for Town Board Action: As the project will involve items for sale that are not all grown on the property, the Town Board may consider a Temporary Conditional Permit to guide the use.

Issues: After meeting with the Planning Board, the applicant has modified the proposal to eliminate the kitchen portion. He has also moved seating area to the rear away from County Road. The Planning Board has forward a recommendation with conditions on the application.

4. SATELLITE ANTENNA AND TOWER LOCAL LAW (CHAPTER 173).

The Planning Board has forwarded a recommendation to adopt a Wind Energy Conversion Section to the Satellite Antenna and Tower Law. An action under SEQRA has been taken and the Town Board is free to consider adoption of this proposed amendment.

FORMAL AGENDA ITEMS:

1. MATTHEW MOYER, SOUTHEAST CORNER OF GOODRICH ROAD AND LAPP ROAD

Location: Southeast corner of Goodrich Road and Lapp Road.

Description/History: Existing vacant property consisting of 25 +/- acres in the Agriculture Rural Residential Zone.

Proposal: Applicant is seeking approval to subdivide the property to create 5 building lots.

Comprehensive Plan: Area identified in an agricultural classification.

Reason for Town Board Action: Per the Subdivision Law, the Town Board has the authority to vary the strict application of the Subdivision Law via a supermajority approval.

Issues: The Planning Board has issued a Negative Declaration under SEQRA. As a major subdivision, section 193-21E, requires a shared driveway access for more than 3 lots along a county road. As the applicant is not desirous of constructing any common infrastructure and the Town would prefer avoiding additional access points to Goodrich Road, the variance is being requested. The Planning Board has forwarded the following conditions for consideration of the variance: 1. Limit access to Goodrich Road to 1

curb cut. 2. No future re-subdivisions or additional lot splits. 3. Town Engineering Department review and approval of any required stormwater management plans. 4. Drainage easements for future Town Highway Dept. access. 5. Erie County approvals for highway access, on-site sanitary. 6. Building Dept. approval of future building permits. 7. Open Space and recreation Fees on future building permits.

2. BEVILACQUA DEVELOPMENT CO., 6031 TRANSIT ROAD.

Location: East side of Transit Road north of Clarence Center Road.

Description/History: Existing vacant property located in the Commercial Zone, former Buggy Wash carwash.

Proposal: Applicant is seeking approval to construct a new retail/restaurant plaza.

Comprehensive Plan: Area identified in a commercial zone.

Reason for Town Board Action: Drive-thru facilities require a Special Exception Use Permit as approved by the Town Board.

Issues: The Planning Board has issued a Negative Declaration on the project and approved the Concept Plan. A public hearing will be required to consider the permit.

3. BROOKFIELD COUNTRY CLUB, 5120 SHIMERVILLE ROAD.

Location: West side of Shimerville Road south of Greiner Road.

Description/History: Existing country club located in the Residential Single Family Zone.

Proposal: Applicant is proposing fireworks displays on July 4, July 8, July 15, and September 2.

Reason for Town Board Action: Per Local and NYS Law the Town Board has authority to approve display permits.

Issues: All fees, bonds, insurance and Fire Chief Approvals are in order.

4. CLARENCE HOLLOW ASSOCIATION/CLARENCE MAIN STREET TOWN PARK.

Location: South side of Main Street east of Shisler Road.

Description/History: Existing park hosting annual special event.

Proposal: Applicant is proposing a fireworks display for July 3.

Reason for Town Board Action: Per Local and NYS Law the Town Board has authority to approve display permits.

Issues: All fees, bonds, insurance and Fire Chief Approvals are in order.

5. SPAULDING GREEN OPEN SPACE DESIGN SUBDIVISION

Location: East of Goodrich and north of Greiner Road

Description/History: Existing previously approved subdivision located in the Residential Zone.

Proposal: Applicant is proposing to remove topsoil from stockpiled areas with the development.

Reason for Town Board Action: Per the Subdivision Law the Town Board has authority to authorize topsoil removal.

Issues: The applicant will be removing topsoil stockpiled from infrastructure work in Phase 3B totaling approximately 26,200 cubic yards from two piles.

6. VISION MAIN STREET PLAN ADOPTION.

Location: Main Street Corridor in the Town of Clarence.

Description/History: Proposed plan for the redevelopment of the Main Street Corridor.

Proposal: To adopt the plan as prepared and forwarded from the Clarence IDA.

Comprehensive Plan: The proposed Vision Main Street Plan would be complimentary to Clarence 2030 and would be adopted as a supplement to the overall comprehensive plan.

Reason for Town Board Action: The Town Board has authority to adopt amendments to Clarence 2030.

Issues: The IDA has adopted the plan and has recommended the adoption to the Town Board.

WORK SESSION ITEMS:

1. NICHOLAS ARGENTIERI/EASTERN HILLS MALL, 4545 TRANSIT ROAD.

Location: East side of Transit Road south of Sheridan Drive.

Description/History: Existing shopping mall located in the Major Arterial Zone.

Proposal: Applicant is proposing an outdoor farmer's market in the parking lot in front of JC Penney's on Saturdays and Sundays through the growing season.

Comprehensive Plan: Area identified in a commercial classification.

Reason for Town Board Action: Per the Special Event Law, the Town Board has authority to approve large scale special events.

Issues: Utilization of parking area, type and location of stands/tents, fire lanes and assorted logistical issues.

2. ROCK THE BARN, 9015 MAIN STREET.

Location: South side of Main Street, east of Shimerville Road.

Description/History: Existing vacant land located in the Commercial and Restricted Business Zones.

Proposal: Annual special event to benefit Meals on Wheels.

Comprehensive Plan: Area identified in a commercial corridor.

Reason for Town Board Action: Per the Special event Local Law, the Town Board has final approval authority for large scale special events.

Issues: Applicant to notify emergency services of the event date and times.

3. BENDERSON DEVELOPMENT/SPOT COFFEE, 5205 TRANSIT ROAD.

Location: East side of Transit Road, south of Greiner Road.

Description/History: Existing restaurant located in the Major Arterial Zone.

Proposal: Applicant is proposing to add a drive-thru service to the existing restaurant.

Comprehensive Plan: Area identified in a commercial corridor.

Issues: The Planning Board has forwarded a recommendation on the proposal. A public hearing will be required to consider the permit.

4. MULTIPLE FAMILY RESIDENTIAL CODE AMENDMENT (CHAPTER 229-ZONING)

Location: Commercial, Restricted Business and Traditional Neighborhood Zoning Districts within the Town.

Description/History: The Town Board initiated a moratorium on multiple family housing in February of 2017 and the Planning Department and Planning Board have been working on code amendments in conformance with Clarence 2030 and Vision Main Street. A final draft of an amended code is now ready for Town Board review and adoption.

Proposal: The intent of the multiple family housing zoning law amendment is to provide a framework for sustainable multiple family housing projects in the Town of Clarence. This framework guides the design, approval and construction of projects consisting of multiple family developments within the Commercial, Restricted Business and Traditional Neighborhood Zones.

Consideration is given to sound planning principles associated with, but not limited to, community character, site integration, density, design intent, scale, infrastructure, natural features, complimentary uses and incentive standards. The amendments are crafted to further the vision, goals, strategies and action items found in the Town's Comprehensive Plan, Clarence 2030.

This amended law will not result in significant adverse environmental impacts, as the overall density will generally remain consistent with current standards.

The adoption of the proposed Multiple Family Development Zoning Law Amendment will allow for the creation of more sustainable projects that are more in keeping with the existing and envisioned community character.

Comprehensive Plan: As identified above, the proposed amendments are consistent with Clarence 2030.

Issues: A public hearing will be required prior to consideration of adoption.